

ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED AUG 16 2016 CLERK, U.S. DISTRICT COURT By _____ Deputy
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UNITED STATES OF AMERICA

v.

Criminal No.

ANTHONY CLARK (01)

4-16CR-205-0

~~0-16CR00205-0~~

INDICTMENT

The Grand Jury Charges:

At all times material to this Indictment:

Introduction

1. Microsoft Corporation ("Microsoft") is a provider of computer software, hardware, video games, online gaming platforms, and related products and services. Microsoft is headquartered in Redmond, Washington, and is the developer, manufacturer, and intellectual property rights holder of the Xbox gaming consoles, publicly named "Xbox 360" and "Xbox One." Xbox 360 was released for sale to consumers on or about May 2005. Xbox One was released for sale to consumers on or about November 2013. These Xbox consoles are computer systems and multimedia entertainment and telecommunication hubs that allow users to play video games, watch television, watch movies, and connect to the Internet.

2. Microsoft Azure is a "cloud" based computing platform that was created by Microsoft, which allows users to build, deploy, and manage applications and services through a global network of data centers managed by Microsoft.

3. Sony Interactive Entertainment (“Sony”) is a research and development company, product manufacturer, and video game developer that handles the sales of both hardware and software for the PlayStation video game systems. The PlayStation video game system was first introduced to the public in 1994 and additional versions of this system have been introduced over the years under the names “PlayStation 2,” “PlayStation 3,” and “PlayStation 4.” The PlayStation video game systems are computer systems and multimedia entertainment and telecommunication hubs that allow users to play video games, watch television, watch movies, and connect to the Internet.

4. A “video game console” is a specialized computer system device used by consumers for interactive video gameplay. The video game console can function like a personal computer because a console typically contains many of the same components as a personal computer.

5. A “game development kit,” also known as a “dev kit,” is a specialized video game console used to create commercial videogames. Microsoft and Sony permit professional software developers and/or registered developers to possess an Xbox or PlayStation dev kit to create and work on tools and technologies for various game projects. To legally obtain access to either an Xbox or PlayStation dev kit, a developer typically must provide industry references, have prior development experience, and sign a non-disclosure agreement. Reselling a dev kit to another party is explicitly prohibited in the contracts with Microsoft and Sony.

6. Electronic Arts (“EA”) is a developer and publisher of video games. EA is headquartered in Redwood City, California. Currently, EA develops and publishes video

games to include the titles: Madden NFL, FIFA<sup>1</sup>, NHL, and numerous others. The FIFA video game series, also known as FIFA Football or FIFA Soccer, has been released annually since 1993, with an official license from the world governing body of football/soccer, named FIFA. The latest version EA released is FIFA 16, which was released on or about September 23, 2015. A majority of the millions of daily users of the FIFA series of video games are based out of the European Union. The FIFA series of video games has been developed to be played on multiple gaming platforms, including the Microsoft Xbox and Sony's PlayStation consoles.

7. FIFA Ultimate Team ("FUT") is a game feature that was introduced by EA in its October 2009 release of FIFA 09, as a downloadable game extension available for purchase in February 2010. It has since been included in the regular release of the FIFA product at no additional cost, rather than as an extension, making it part of the "core game mode." The FUT game mode allows game users to build their own team from "real world" players. The newly created teams can then be used by the game user to compete in tournaments and matches over the internet or offline.

8. A user can build his or her team by conducting various transactions within the FUT game mode, such as: the purchase of card packs, and through the buying, selling, or trading of players in the FUT trade market. A user can only purchase item packs, players, or other items in the game's transfer market using "FIFA points" or "FIFA coins." "FIFA points" are purchased through EA and act as a virtual cash wallet

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<sup>1</sup> FIFA stands for Fédération Internationale de Football Association.

for users to redeem through the purchase of FUT card packs. The purchase of "FIFA points" by FUT users results in millions of dollars in revenue for EA each year. Once a FUT user purchases an item pack, the user can choose to use the particular items to build his or her FUT team or the user can choose to discard any particular item for a set number of FIFA coins from EA, or resell the item from the pack through the FUT transfer market to another FUT user.

9. "FIFA coins" are a virtual in-game currency that can be used to buy and/or sell items in the FUT game mode. "FIFA coins" can be legally obtained by: 1) trading and/or selling discarded items from an item pack that were purchased by a user using "FIFA points;" or 2) earning "FIFA coins" through the actual playing of the FIFA video game. Upon the completion of a FUT game match, a user's account is credited with a certain amount of "FIFA coins" depending on whether the team won, lost, or tied and the user's in-game performance (i.e. goals scored, goals allowed, etc.).

10. An "item pack," which is commonly referred to in the FUT user community as a "card pack" or "pack," is a random selection of virtual items a FUT user can purchase with either FIFA points or FIFA coins. Item packs are categorized as gold, silver, or bronze, and each item pack randomly contains new players, staff, or other items based on the guarantees of content quality defined for that pack, which the user can use to build his or her FUT team. Unwanted cards can be sold or traded through the game's transfer market.

11. The “transfer market” is a centralized location within the FUT game mode that allows users to buy, sell, or trade various cards or items. A user can use FIFA coins to purchase items in the transfer market, and receive FIFA coins when selling items. The prices within the transfer market fluctuate based on the volume of FIFA coins that have been generated since the game was introduced to the general public.

Count One  
Conspiracy to Commit Wire Fraud  
(Violation of 18 U.S.C. § 1349)

12. The allegations in paragraphs 1 – 11 are incorporated by reference as if fully rewritten herein.

**The Purpose of the Scheme and Artifice**

13. The defendant, Anthony Clark, and others known and unknown to the Grand Jury, devised and intended to devise a scheme and artifice to defraud EA by obtaining “FIFA coins” by means of materially false and fraudulent pretenses and representations.

**The Scheme and Artifice to Defraud**

14. As part of the conspiracy to commit wire fraud, the defendant assisted in creating a program the conspirators referred to as the “FIFA Server Tool Application,” “Application,” or “App” (hereinafter referred to as the “application”), which sent electronic messages to EA’s servers fraudulently representing that thousands of FUT matches had been completed in the EA’s FIFA video game. EA’s servers materially relied on the completed match messages and credited various accounts maintained by the defendant and his co-conspirators with “FIFA coins.” The defendant and the co-conspirators would then transfer and sell the “FIFA coins” to various unauthorized or “black-market” coin dealers in places such as the United Kingdom and China.

15. It was further part of the conspiracy that the defendant and co-conspirators continued to create and execute new methods to circumvent the security measures

developed by EA in EA's effort to prevent fraudulent activity associated with the company's FIFA video game.

16. It was further part of the conspiracy that the defendant and his co-conspirators executed their "application" through a video game console, which they modified to circumvent security and copyright protections, and on game development kits, which they obtained from unlicensed sources.

17. It was further part of the conspiracy that the defendant and his co-conspirators later executed their "application" through cloud computer servers, which allowed them to run more copies of the software and obtain significantly more FIFA coins.

#### **The Conspiracy to Commit Wire Fraud**

18. Beginning in at least the year 2013, the exact date unknown, and continuing to on or about September 17, 2015, in the Fort Worth Division of the Northern District of Texas and elsewhere, the defendant, Anthony Clark, knowingly and intentionally combined, conspired and agreed with others known and unknown to the Grand Jury, to execute and attempt to execute the above described scheme and artifice to defraud, and attempting to do so, and transmitted and caused to be transmitted, by means of wire and radio communications in interstate and/or foreign commerce, certain writings, signs, signals and sounds, including causing an "application" to be executed on EA's servers from various locations throughout the United States, all contrary to the provisions of 18 U.S.C. § 1343.

All in violation of 18 U.S.C. § 1349.

Forfeiture Notice  
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461)

Upon conviction for the offense alleged in Count One of this Indictment and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, the defendant, **Anthony Clark**, shall forfeit to the United States of America all property, real or personal, constituting, or derived from, the proceeds traceable to the offense. This property, includes, but is not limited to, the following:

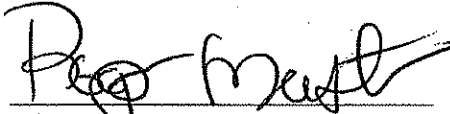
1. The proceeds obtained as a result of the offense, in the form of a money judgment (as to Count One);
2. The real property commonly identified as 14614 Montevideo Drive, Whittier, California 90605;
3. \$2,887,362.38 in funds seized from Bank of America account ending in 6403 on or about September 17, 2015, maintained in the name of Anthony Clark;
4. \$200,443.70 in funds seized from Bank of America account ending in 9505 on or about September 17, 2015, maintained in the name of Ricky Miller DBA Rickisoft;
5. \$105,046.91 in funds seized from Bank of America account ending in 8462 on or about September 17, 2015, maintained in the name of C.A.S. Consultants, LLC and Nicholas Castellucci;
6. \$50,047.66 in funds seized from Bank of America account ending in 1678 on or about September 17, 2015, maintained in the name of Anthony Clark;
7. \$16,137.59 in funds seized from Bank of America account ending in 9482 on or about September 17, 2015, maintained in the name of Ricky Miller DBA Rickisoft;
8. \$5,056.02 in funds seized from Bank of America account ending in 7227 on or about September 17, 2015, maintained in the name of Nicholas Castellucci;
9. \$373,389.18 in funds seized from Bank of Lancaster account ending in 1001 on or about September 17, 2015, maintained in the name of Eric S. Zveare, Janet L. Zveare, and Eaton S. Zveare;




10. \$148,550.75 in funds seized from Bank of Lancaster account ending in 2101 on or about September 17, 2015, maintained in the name of Eric S. Zveare and Janet L. Zveare;
11. \$83,370.87 in funds seized from Bank of Lancaster account ending in 9901 on or about September 17, 2015, maintained in the name of RANE Developments, LLC;
12. \$46,818.06 in funds seized from Bank of Lancaster account ending in 3001 on or about September 17, 2015, maintained in the name of Janet L. Zveare, Eric S. Zveare, and Eaton S. Zveare;
13. \$1,000.00 in funds seized from Bank of Lancaster account ending in 71001 on or about September 17, 2015, maintained in the name of Zveare Family Trust;
14. \$40,341.59 in funds seized from Newfield National Bank ending in 3475 on or about September 17, 2015, maintained in the name of Nicholas F. Castellucci;
15. All funds seized/frozen from Bays Bank account ending in 7101 on or about September 17, 2015, maintained in the name of Eaton Zveare;
16. Approximately 16,572.51 in funds "frozen" in E\*Trade account ending in 5371 on or about September 17, 2015, maintained in the name of Nicholas F. Castellucci;
17. All funds seized from Barclays account ending 4639 on or about September 17, 2015, maintained in the name of Ricky Miller;
18. All U.S. currency seized at 4021 Bay Springs Court, Arlington, Texas, on or about September 17, 2015 (approximately \$1,938,600);
19. A 2015 Audi A3 (VIN# WAUBFGFF6F1005330) seized from 14614 Montevideo Drive, Whittier, California, on or about September 17, 2015;
20. A 2014 Ford Explorer (VIN# 1FM5K7F88EGB43097) seized from 14614 Montevideo Drive, Whittier, California, on or about September 17, 2015
21. \$214,306.70 in funds seized from PNC Bank account ending in 2195, maintained in the name of Eaton S. Zveare;
22. \$91,011.79 in funds seized from PayPal account ending in 5312, maintained in the name of Eaton S. Zveare; and

23. \$55,969.31 in funds seized from Wells Fargo Bank account ending in 7556, maintained in the name of Anthony J. Clark.

A TRUE BILL

  
FOREPERSON

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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THE UNITED STATES OF AMERICA

v.

ANTHONY CLARK

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INDICTMENT  
SEALED

18 USC § 1349  
Conspiracy to Commit Wire Fraud

18 USC §§ 981(a)(1)(C) and 28 U.S.C. 2461  
Forfeiture Notice

1 Count

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A true bill rendered

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DALLAS

  
FOREPERSON


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Filed in open court this 16th day of August, 2016.

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Warrant to be Issued

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UNITED STATES DISTRICT JUDGE  
No Criminal Matter Pending